

SENATE BILL 1081

Q4

0lr2876

By: **Senators DeGrange and Garagiola**

Introduced and read first time: March 3, 2010

Assigned to: Rules

Re-referred to: Budget and Taxation, March 5, 2010

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2010

CHAPTER _____

1 AN ACT concerning

2 **Rebate Programs for Retail Sales – Collection of Sales and Use Tax**

3 FOR the purpose of requiring a State agency ~~to verify whether certain sales or use tax~~
4 ~~has been collected by the vendor~~ or nongovernment entity to require a buyer of
5 a household appliance to make a certain certification before issuing or ~~allowing~~
6 authorizing the issuance of certain rebates or similar instruments to reduce the
7 cost of certain sales of household appliances under certain programs; requiring
8 ~~certain State agencies to submit or require the submission of certain~~
9 ~~information under certain circumstances to the Comptroller to assist the~~
10 ~~Comptroller in the collection of a certain sales and use tax;~~ and generally
11 relating to the collection of a sales or use tax on retail sales subject to certain
12 rebates.

13 BY adding to

14 Article – Tax – General

15 Section 11–409

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Tax – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 11-409.

2 ~~(A)~~ NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, BEFORE A
 3 STATE AGENCY ISSUES A REBATE OR SIMILAR INSTRUMENT OR ~~ALLOWS~~
 4 AUTHORIZES A REBATE OR SIMILAR INSTRUMENT TO BE ISSUED BY A
 5 NONGOVERNMENT ENTITY TO REDUCE THE COST OF A RETAIL SALE OF
 6 HOUSEHOLD APPLIANCES UNDER A PROGRAM TO PROMOTE ENERGY
 7 EFFICIENCY, THE STATE AGENCY SHALL VERIFY WHETHER ANY APPLICABLE
 8 SALES OR USE TAX HAS BEEN COLLECTED ON THE SALE BY THE VENDOR OR
 9 NONGOVERNMENT ENTITY SHALL REQUIRE THE BUYER OF A HOUSEHOLD
 10 APPLIANCE TO CERTIFY THAT:

11 (1) THE HOUSEHOLD APPLIANCE WAS PURCHASED AT A RETAIL
 12 SALE IN THE STATE; OR

13 (2) THE BUYER PAID THE APPLICABLE STATE SALES AND USE
 14 TAX.

15 ~~(B) IF THE STATE AGENCY DETERMINES THAT ANY APPLICABLE SALES~~
 16 ~~OR USE TAX HAS NOT BEEN COLLECTED, THE STATE AGENCY SHALL SUBMIT OR~~
 17 ~~REQUIRE THE SUBMISSION OF THE NECESSARY INFORMATION TO THE~~
 18 ~~COMPTROLLER SO THAT THE SALES OR USE TAX MAY BE COLLECTED BY THE~~
 19 ~~COMPTROLLER.~~

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.